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EXAMINER

WEST, LEWIS G

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,233

Applicant(s)

DAVIS, MICHAEL

Examiner

Lewis G. West

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Response to Arguments

1. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

The distinction between "interface" and "processing" is contextual and in this case the semantic argument is spurious. For example, an acoustic coupler processes signals as a part of its function as an interface device. Also the figures of Morris clearly show external interfaces, which are clearly labeled as such. Applicant further makes multiple arguments based on limitations which are not claimed. Arguments that there are a confusing number of combinations are unpersuasive, as there are only four combinations, and given the number of claims this is neither excessive or confusing. Applicant has not addressed the rejection of claims but rather addressed the art, as previously mentioned those arguments often relate to that which is not claimed. The term "discrete" also fails to overcome the rejection, as it is well known that both selected discrete computers and telephones operate on discrete signals or can be separate, discrete devices.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall

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have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 8-11, 19 and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Morris (US 4,991,197).

Regarding claim 1, Morris discloses a Communications interface device for transferring signals between a selected discrete computer and a selected discrete telephone, the interface device comprising: a housing; interface means (Figure 2, item 36,56) accommodated by the housing for interface signals received from the selected discrete computer and the telephone; first connecting means in or on the housing connectable to the Selected discrete computer so that signals can be transmitted between the first connecting means and the selected discrete computer (Figure 1 items J1, J6), the first connecting means also being connected to the interface means; and a second connecting means in or on the housing connectable to the selected discrete telephone so that signals can be transmitted between the second connecting means and the telephone (Figure 1 J3, J7, J8), the second connecting means also being connected to the interface means. (Figures 1 and 2, column 3 lines 13-57), the selected discrete computer being one of a plurality of discrete computers selectively connectable to the first connecting means and the selected discrete telephone being one of a plurality of discrete telephones selectively connectable to the second connecting means. (Column 3 lines 13-57)

Regarding claim 5, Morris discloses a communications interface device as claimed in claim 1 wherein the first connecting means is a serial port. (Column 3 lines 24-25)

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Regarding claim 8, Morris discloses a communications interface device as claimed in claim 1 wherein the telephone is a land telephone, which transmits signals through cables. (Col. 3 lines 13-57, figure 1-item 14)

Regarding claim 9, Morris discloses a communications interface device as claimed in claim 1 wherein the telephone is a wireless telephone. (Column 3 lines 13-57, figure 1 item 20)

Regarding claim 10, Morris discloses a communications interface device as claimed in claim 1 wherein the wireless telephone is one selected from the group consisting of a cellular and PCS telephone. (Column 3 lines 13-57, figure 1 item 20)

Regarding claim 11, Morris discloses a communications interface device as claimed in claim 1 wherein the interface means comprises a modem. (Column 3 lines 13-57, figure 2 item 56).

Regarding claim 19, Morris discloses a communications interface device as claimed in claim 1 further comprising a power source. (Figure 1 item 22, column 3 lines 24-31)

Regarding claim 33, Morris discloses a communications interface comprising: interface means for interface signals between a selected discrete computer and a telephone; first connecting means connectable to the selected discrete computer and the interface means; and a second connecting means connectable to the telephone and the interface means. (Column 3 lines 13-57, figure 1 item 20), the selected discrete computer being one of a plurality of discrete computers selectively connectable to the first connecting means and the selected discrete telephone being one of a plurality of discrete

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telephones selectively connectable to the second connecting means. (Column 3 lines 13-57)

Regarding claim 34, Morris discloses a method for transferring signals between a Selected discrete computer and telephone, the method comprising: providing interface means for interface signals received from the selected discrete computer and the telephone; connecting first connecting means to the interface means, the first connecting means being connectable to the selected discrete computer so that signals can be transmitted between the first connecting means and the selected discrete computer; and connecting second connecting means to the interface means, the second connecting means being connectable to the telephone so that signals can be transmitted between the second connecting means and the telephone. (Column 3 lines 13-57, figure 1 item 20)

3. Claims 1, 12-13, 15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukawa (US 5,890,073).

Regarding claim 1, Fukawa discloses a Communications interface device for transferring signals between a selected discrete computer and telephone, the interface device comprising: a housing; interface means accommodated by the housing for interface signals received from the selected discrete computer and the telephone (Figure 1, items 14 and 20); first connecting means in or on the housing connectable to the Selected discrete computer so that signals can be transmitted between the first connecting means and the Selected discrete computer, the first connecting means also being connected to the interface means;(col. 3 line 60-col. 4 line 16) and a second connecting means in or on the housing connectable to a telephone so that signals can be transmitted

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between the second connecting means and the telephone, the second connecting means also being connected to the interface means. (Figure 1; column 5 lines 1-44), the selected discrete computer being one of a plurality of discrete computers selectively connectable to the first connecting means and the selected discrete telephone being one of a plurality of discrete telephones selectively connectable to the second connecting means. (col. 3 line 60-col. 4 line 16)

Regarding claim 12, Fukawa discloses a communications interface device as claimed in claim 1 wherein the interface means comprises an acoustic coupler. (Figure 1, item 14)

Regarding claim 13, Fukawa discloses a communications interface device as claimed in claim 1 wherein the interface means comprises a modem and an acoustic coupler. (Figure 1, items 14 and 20)

Regarding claim 15, Fukawa discloses a communications interface device as claimed in claim 12 further comprising a headset plug for connection to a cellular phone, the headset plug forming the communications interface. (Figure 1 items 204, 206; Column 5 lines 23-44)

Regarding claim 18, Fukawa discloses a communications interface device as claimed in claim 1 wherein the second connecting means comprises a 2.5 mm cable (headset jack). (Figure 1 items 204, 206; Column 5 lines 23-44)

4. Claims 25 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn. (US 5,995,599)

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Regarding claim 25, Dunn discloses a communications interface device comprising: a casing comprising a base portion and a lid hinged thereto, the lid being movable between an open and closed position with respect to the base portion, (Figure 1) the casing defining a chamber (Figure 1); a microphone located within the chamber, a speaker located within the chamber (column 4 lines 30-50); means for varying the distance between the microphone and the speaker (col. 8 line 10-24); a power source; at least one connection to facilitate communication between the interface device and a selected discrete computer (acoustic coupler, column 4 line 51-column 5 line 11); and a modem connected to the microphone and/or speaker as well as the connection port. (column 4 line 20-column 5; col. 8 line 10-24)

Regarding claim 32, Dunn discloses a device as claimed in claim 25 further comprising attachment means on the exterior of the casing to facilitate attachment of the interface device. (col. 7 line 17-col. 8 line 23)

5. Claims 1-3 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Coulter (US 6,304,638 B1).

Regarding claim 1, Coulter discloses a Communications interface device for transferring signals between a Selected discrete computer and telephone, the interface device comprising: a housing; interface means accommodated by the housing for interface signals received from the Selected discrete computer and the telephone ("acoustic coupler", column 4 line 53-col. 5 line 31); first connecting means in or on the housing connectable to the Selected discrete computer so that signals can be transmitted between the first connecting means and the Selected discrete computer, the first

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connecting means also being connected to the interface means (col. 5 lines 10-31); and a second connecting means in or on the housing connectable to a telephone so that signals can be transmitted between the second connecting means and the telephone, the second connecting means also being connected to the interface means. (Columns 5 lines 10-31), the selected discrete computer being one of a plurality of discrete computers selectively connectable to the first connecting means and the selected discrete telephone being one of a plurality of discrete telephones selectively connectable to the second connecting means. (Col. 5 lines 10-31)

Regarding claim 2, Coulter discloses a communications interface device as claimed in claim 1 wherein the housing comprises a substantially enclosed box, the box having an externally provided recess for receiving a telephone. (Col. 7 line 53-col. 8 line 9)

Regarding claim 3, Coulter discloses a device as claimed in claim 2 wherein the recess is configured so that the telephone is oriented in a substantially vertical position so that the antenna thereof is positioned for optimal signal strength. (Col. 7 line 53-col. 8 line 9)

Regarding claim 24, Coulter discloses a communications interface device as claimed in claim 1 further comprising a dial-up Internet access and software for use with a plurality of Selected discrete computers having a plurality of operating systems. (Column 1 line 54-column 2 line 4)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukawa in view of Petersen.

Regarding claim 14, Fukawa discloses a communications interface device as claimed in claim 12, but does not expressly claim insulation on the speaker and microphone. Petersen demonstrates that, by definition, acoustic couplers are known to use insulation. (page 10, entry for “acoustic coupler”, page 11, “acoustic modem”). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use insulation on the microphone and speaker to prevent crossover and external noise from interfering with proper signaling.

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al in view of Petersen.

Regarding claim 26, Dunn discloses a communications interface device as claimed in claim 25 further comprising acoustic insulation members on the microphone, but does not expressly disclose insulation on the speaker also. Petersen demonstrates that, by definition, acoustic couplers are known to use insulation. (page 10, entry for “acoustic coupler”, page 11, “acoustic modem”). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use insulation on the

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microphone and speaker to prevent crossover and external noise from interfering with proper signaling.

8. Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al in view of Davis.

Regarding claim 27, Dunn discloses a device as claimed in claim 25 with a power source but does not expressly disclose a battery located within the housing. Davis discloses a selected discrete computer telephony interface device with a battery in the housing. (col. 5 lines 52-65) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a battery to make the device more portable.

Regarding claim 28, Dunn discloses a device as claimed in claim 25 wherein the power source is external to the interface device, but does not expressly disclose that the interface device further comprises an AC connector for receiving such power. Davis discloses an AC adaptor to provide external power to a communications device. (col. 5 lines 52-65) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use an ac adaptor for external power because batteries have limited power supplies.

Regarding claim 29, Dunn does not expressly disclose a communications interface device as claimed in claim 25 wherein the first connecting means comprises an infrared transceiver, but Davis discloses an infrared transceiver for use in selected discrete computer telephony communications. (col. 6 lines 51-65) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use an

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infrared transceiver as the connecting means as it is a well-known and widely available means for short-range communications.

Regarding claim 30, Dunn does not expressly disclose a communications interface device as claimed in claim 1 wherein the first connecting means is a USB port. Davis discloses a USB port for use in a selected discrete computer telephony device. (Col. 7 lines 29-38) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use an infrared transceiver as the connecting means as it is a well-known and widely available means for short-range communications.

Regarding claim 31, Dunn does not expressly disclose a communications interface device as claimed in claim 1 wherein the first connecting means is an RJ-11 plug. Davis uses an RJ-11 plug in communications connections in a selected discrete computer and telephony interface. (Col. 4 lines 24-34) Therefore it would have been obvious to one of ordinary skill in the art to use an RJ-11 plug in a connection of an interface of a selected discrete computer and telephony adapter as RJ-11 is well known and widely available for use in communications.

9. Claims 4, 6, 7, 16-17, 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of Davis.

Regarding claim 4, Morris discloses an interface as in claim 1, but does not expressly disclose RJ-11. Davis discloses a communications interface device as wherein the connecting means is an RJ-11 plug. (col. 4 lines 24-34) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use RJ-11 as the

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first connections interface, as it is a well-known standard in communications and would be widely available.

Regarding claim 6, Morris discloses an interface as in claim 1, but does not expressly disclose USB. Davis discloses a communications interface device as wherein the connecting means is an USB plug. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use USB as the first connections interface, as it is a well-known standard in communications and would be widely available. (Col. 7 lines 29-38)

Regarding claim 7, Morris does not expressly disclose a communications interface device as claimed in claim a wherein the first connecting means comprises an infrared transceiver, but Davis discloses an infrared transceiver for use in selected discrete computer telephony communications. (col. 6 lines 51-65) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use an infrared transceiver as the connecting means as it is a well-known and widely available means for short-range communications.

Regarding claim 16, Morris discloses an interface as in claim 1, but does not expressly disclose RJ-11. Davis discloses a communications interface device as wherein the connecting means is an RJ-11 plug. (col. 4 lines 24-34) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use RJ-11 as the second connection interface as it is a well-known standard in communications and would be widely available.

Regarding claim 17, Morris discloses an interface as in claim 1, but does not expressly disclose a serial port. Davis discloses a communications interface device as

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wherein the connecting means is a serial port. connector. (col. 5 lines 41-52) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a serial port as the second connection interface as it is a well-known standard in communications and would be widely available.

Regarding claim 20, Morris discloses a power source as in claim 19, but does not disclose a battery expressly. Davis discloses a device wherein the power source is a battery in a selected discrete computer telephony device. (col. 5 lines 52-65) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a battery to make the device more portable.

Regarding claim 21, Morris discloses a power source as in claim 19, but does not disclose an AC connection expressly. Davis discloses an AC adaptor to provide external power to a communications device. (col. 5 lines 52-65) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use an ac adaptor for external power because batteries have limited power supplies.

Regarding claim 22, Morris does not expressly disclose PCMCIA. Davis discloses a communications interface device as claimed in claim 1 wherein the first connecting means is a compact flash or PCMCIA connection. (Col. 3 line 64-col. 4 line 8) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use PCMCIA as the first connection interface as it is a well-known standard in selected discrete computer telephony communications and would be widely available.

Regarding claim 23, Morris does not expressly disclose PCMCIA. Davis discloses a communications interface device as claimed in claim 1 wherein the second connecting

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means is a compact flash or PCMCIA connection. (Col. 3 line 64-col. 4 line 8) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use PCMCIA as the second connection interface as it is a well-known standard in selected discrete computer telephony communications and would be widely available.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 703-308-9298. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



Lewis West
(703) 308-9298
July 28, 2003



VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

7/28/03